

Management Board minutes

Monday 25 January 2016

Members and other attendees present

Ailsa Beaton	Non-executive Director
Simon Entwisle	Deputy Commissioner and Deputy Chief Executive Officer
Christopher Graham	Information Commissioner (chair)
Ian Watmore	Non-executive Director
Nicola Wood	Non-executive Director
Peter Bloomfield	Senior Corporate Governance Manager (secretariat)

1. Introductions and apologies

- 1.1. There were no introductions or apologies.

2. Declaration of interests

- 2.1. There were no declarations of interests.

3. Matters arising from the previous meeting

- 3.1. The minutes had been agreed previously and were presented for information.
- 3.2. In respect of action points these had all been cleared. Peter Bloomfield explained that the long standing action to review the register of interests policy had been cleared by adding a note to the form.
- 3.3. Simon Entwisle updated the Board on cover for the Head of Finance. A full time management accountant had recently been recruited and was in post. A temporary part

time Head of Finance would be starting shortly, allowing for a handover with the current Head of Finance.

- 3.4. Simon Entwisle also updated the Board on recent Enforcement Team staffing increases and advised that the ICO would be undertaking a staff survey in March; using staff to set the questions via focus groups.

4. Commissioner's forward look

- 4.1. The Commissioner provided an update on issues affecting the ICO.
- 4.2. The Commissioner had appeared again before the Burns Commission. The Commission had been interested in the impact of resource cuts on the ICO's ability to provide guidance to public authorities on freedom of information compliance. The Commission had also discussed the veto.
- 4.3. There had just been a regular quarterly liaison meeting with the Department for Culture, Media and Sport (DCMS). In addition Christopher Graham was meeting regularly with the Permanent Secretary and other officials at the DCMS. Relations were good.
- 4.4. Christopher Graham also advised the Board that the ICO was hosting an international enforcement coordination meeting in March.
- 4.5. The recruitment process for the next Commissioner was discussed. The extension of the deadline for applications had caused some delay but it was hoped that the process would now run to timetable.
- 4.6. If there was a gap between Christopher Graham's tenure ending and the next Commissioner starting (due for example to their having to give notice) there would be a need for contingency plans. The ICO had discussed the matter with DCMS.
- 4.7. In respect of the risk register, the risks facing the ICO had been reviewed at the recent Senior Management Team meeting. There was a need for more work on scoring risk status and mitigating actions. A more detailed document would come to the March Audit Committee.
- 4.8. The Board was supportive of the general direction on work on risk.

Action point 1: Peter Bloomfield to further update the risk register over the next few weeks prior to bringing the register to the March Audit Committee; copying in

non-executive directors for information where appropriate.

5. ICO change programme

- 5.1. Simon Entwisle presented plans to set up a change programme, primarily to ensure that the ICO was able to implement European data protection reforms in the summer of 2018. The programme would also cover other possible change prompted by the Burns Commission on freedom of information and the up-coming change in ICO leadership.
- 5.2. There would be a need for significant dedicated resources to help manage the change programme, with plans for a small team to be led by a Head of Department. Additional extra resources would also be needed in individual departments and teams to help take the work forward.
- 5.3. The Board expressed the view that the change programme team should not be too large. The team should be focused on leading the change, and not making the change itself. The timing of the initiative was however right, being driven by external factors.
- 5.4. As for taking this programme forward, the presentation given was to be rolled out to the next management tier – to middle managers. These managers would then disseminate the information to individual teams over the next few weeks.
- 5.5. It was suggested that managers needed to ensure more junior staff could ask questions of them about what was happening.

6. ICO Plan 2016-2019 and budget 2016/17

- 6.1. Christopher Graham introduced the draft ICO Plan 2016-2019 and Budget for 2016/17. Both documents had been provided to the DCMS. It was confirmed that the budget was not controversial; DCMS has provisionally agreed the £3.75m pa settlement for the next three years.
- 6.2. The current draft Plan included a foreword but it was recognised that more needed to be done to emphasis the focus of the office on introducing the European data protection reforms over the next few years. Once this work had been done the aim was to finalise the document possibly by late February.
- 6.3. The Board supported the Plan and Budget. In respect of how best to emphasise the focus on European data protection

reforms, minor amendment to the introduction was suggested along with considering the formatting of the actions under each of the six objectives.

Action point 2: Simon Entwisle to amend the ICO Plan to better reflect the focus on the European data protection reforms.

7. Committee self assessment and the “Corporate governance in central government departments: Code of practice 2011”

7.1. Peter Bloomfield sought the Board’s views on whether, given the reduction in members and the recent change to the ICO senior management structure, a formal review of Board and other committee performance was appropriate. The Board considered that its members should address decisions made on not replacing the Deputy Commissioners and a non-executive director, and the impact on Board performance, via the governance statement.

7.2. In respect of the Senior Management Team the Board considered that a formal self assessment process would be useful.

Action point 3: Peter Bloomfield to ensure that the Board sees the governance statement and signs it off at the appropriate time, and that the Senior Management Team undertakes a self assessment.

7.3. Christopher Graham advised members that he would provide a written assessment of the non-executive directors’ performance for the next commissioner. He also intended to discuss recruiting a new non-executive director with the incoming Commissioner as soon as the appointment was made.

8. Performance against the ICO Plan

8.1. The quarterly report on performance against the ICO Plan was presented for information and discussion. In general performance was on track. The pace of the work on privacy seals was noted.

Action point 4: Peter Bloomfield to put privacy seals on the agenda for the next board meeting.

8.2. For some actions there was no status on actions. Action 3.4 relating to appeals work should be marked as “green”. This was an area where the measures had changed and

figures had been provided for the first time. In respect of 6.7 no figures had been provided. These will be chased for the next report.

- 8.3. The matter of information governance training for non-executive directors was raised. The ICO did make use of an on-line training module.

Action point 5: Peter Bloomfield to check the position on training for non-executive directors on information governance.

9. Finances

- 9.1. Louise Byers, Head of Good Practice, attended the meeting for this item.
- 9.2. The general financial position was as expected. DCMS knew about the projected surplus and appreciate why it has arisen.
- 9.3. Possible payments of the responsibility allowance had not been factored into the budget for next year. The amounts were not significant in budgeting terms. Next year's budget did however assume the recruitment of the two Deputy Commissioners from September.
- 9.4. It was also confirmed that problems in implementing the new finance system were due to the cultural change needed; especially for people who do not use the system very often.
- 9.5. Bills for the Government Procurement Cards supplied by the Ministry of Justice had been sent to the Ministry of Justice rather than to the ICO. This issue was being sorted out. At the same time the ICO was in the process of moving from the Ministry of Justice supplier to the DCMS supplier.
- 9.6. It was noted that non-executive director staff costs were higher than projected. The reason for this was due to the inclusion of national insurance contributions.

10. Issues reports

- 10.1. Operations: The ICO was seeing increases in referrals across the board but for data protection in particular. This was not a particular problem this quarter as new staff had come on line and work was being cleared. But the continuing increase in work coming in needed to be monitored constantly.

- 10.2. Information rights: Steve Wood, Head of Policy Development, joined the meeting to talk about the CJEU Judgment in the Schrems case and its impact on safe harbor provision.
- 10.3. It was noted that the data protection self assessment tool had now gone live.
- 10.4. Corporate Affairs: This report detailed the large amount of media coverage given to the ICO and its work during the quarter.
- 10.5. Organisational Development: The ICO's head count was now up to 434. Turnover was under 10%.
- 10.6. Business development: This report showed that IT systems were working well.

11. Senior Management Team meetings

- 11.1. The minutes of meetings held since the last Board meeting were presented for information.

12. Audit Committee

- 12.1. The minutes of the last Audit Committee were presented for information.

13. Remuneration Committee

- 13.1. The minutes of the last Remuneration Committee were also presented for information. It was noted that the members had not been able to review the Commissioner application pack after all.

14. Any other business

- 14.1. Further change at the ICO was discussed with non-executive directors providing advice.